

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TEXAS

CHICO NAKIA CURRY,

Plaintiff,

versus

BRANDON BEAR, *et al.*,

Defendants.

CIVIL ACTION NO. 9:20-CV-25

**MEMORANDUM ORDER OVERRULING OBJECTIONS AND ADOPTING
THE MAGISTRATE JUDGE’S REPORT AND RECOMMENDATION**

Plaintiff Chico Nakia Curry, proceeding *pro se*, filed the above-styled civil rights lawsuit against Brandon Bear, Samuel Oritsetserundede and Korie Baugh.¹ The court previously referred this matter to the Honorable Christine L. Stetson, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to 28 U.S.C. § 636 and orders of this court. The magistrate judge has submitted a Report and Recommendation of United States Magistrate Judge recommending this case be dismissed for failure to state a claim upon which relief may be granted.

The court has received the Report and Recommendation, along with the record, pleadings, and all available evidence. Plaintiff filed objections to the magistrate judge's Report and Recommendation.

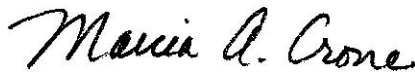
The court has conducted a *de novo* review of the objections in relation to the pleadings and the applicable law. After careful consideration, the court is of the opinion the objections are without merit. The magistrate judge's recommendation was based on the conclusion that the claims against defendants Bear, Oritsetserundede and Baugh were barred by the applicable statute of limitations. The objections do not identify any error in the analysis of the magistrate judge. Plaintiff did not name these individuals as defendants in an amended complaint until after the period of limitations has expired. Further, as explained by the magistrate judge, the claims against these defendants do not relate back to the date on which the original complaint was filed.

1 Plaintiff also named Jessica Holcomb as a defendant. The court previously severed the clam against Ms. Holcomb into a separate lawsuit.

ORDER

Accordingly, the objections filed by plaintiff in this matter (#24) are **OVERRULED**. The findings of fact and conclusions of law set forth in the report of the magistrate judge (#18) are correct, and the report of the magistrate judge is **ADOPTED**. A final judgment shall be entered in accordance with the recommendation of the magistrate judge.

SIGNED at Beaumont, Texas, this 23rd day of January, 2023.

A handwritten signature in black ink, reading "Marcia A. Crone", is positioned above a horizontal line.

MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE